

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
November 23, 2003  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Opening Ceremony: Tribal Chairman Frank Ettawageshik

Executive Session: yes

Call to Order: Meeting was called to order at 8:41 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Councilor Secretary Dexter McNamara, Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Bentley

Council Absent: Councilor Rita Shananaquet

Legal Staff Present: James Bransky, General Counsel

Staff Present: See Attached list

Guests: See attached list

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Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to adopt the agenda as amended, for November 23, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

9:41 a.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to go into executive session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

9:46 a.m. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to return to open session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

9:54 a.m. Councilor Rita Shananaquet arrives

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the corrected minutes of November 2, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

10:57 a.m. Recess called.

11:14 a.m. Meeting reconvened

1 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
2 Chairperson Beatrice A. Law to accept the Tribal Treasurer's report for  
3 November 23, 2003.

4 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

5 Motion Carried

6  
7 11:49 a.m. Public Comment open: Brian Anthony, Doug Craven, Andrew Stich,  
8 Rosemary Knapp, Maureen Kilpatrick

9 12:03 p.m. Public Comment closed

10  
11 12:03 p.m. Lunch Recess called

12 1:50 p.m. Meeting reconvened

13  
14 Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita  
15 Shananaquet to adopt Resolution #112303-01, Authorization and Support for  
16 National Center for Civic Innovation Grant Application.

17 Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A.  
18 Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes,  
19 Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor  
20 Regina Bentley-yes

21 Motion Carried

22  
23 Motion made by Vice-Chairperson Beatrice A. Law to authorize the C.F.O. to use  
24 Pricewaterhousecoopers for the Casino Audit.

25 Motion Withdrawn

26  
27 Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson  
28 Beatrice A. Law, the Treasurer moves to hire Rehmann Robson for the 2003,  
29 2004, 2005 auditors for Tribal Government Trust Fund, 401k and we hire  
30 Pricewaterhousecoopers for the Casino for 2003, 2004, and 2005. The line items  
31 to pay for the audits to be determined by the C.F.O.

32 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

33 Motion Carried

34  
35 Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor  
36 Fred Harrington, Jr., to move the Amendment to Resolutions and Regulations  
37 Procedures Statute to the Legislative calendar.

38 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

39 Motion Carried

40  
41 Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina  
42 Bentley to bring up for immediate consideration the Amendment to Resolutions  
43 and Regulations Procedures Statute to eliminate a conflict between the Law and  
44 the Constitution.

45 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

46 Motion Carried

1 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
2 Chairperson Beatrice A. Law to enact Amendment to Resolutions and  
3 Regulations Procedures Statute under the Emergency Enactment Procedure of  
4 the Legislative Procedures Act.

5 Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A.  
6 Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes,  
7 Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor  
8 Regina Bentley-yes

9 Motion Carried

10  
11 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
12 Chairperson Beatrice A. Law to accept the Tribal Administrator's verbal and  
13 written report for November 23, 2003.

14 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

15 Motion Carried

16  
17 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice  
18 Yellowbank to approve the proposal for the 2003 Children's Christmas Party and  
19 allocate \$11,800 to address expenses from the General Fund-Cultural Activities  
20 Line Item and authorize Michele LaCount and Albert Colby, Jr. to sign purchase  
21 requests.

22 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet) Absent, 0 Abstained

23 Motion Carried

24  
25 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
26 Chairperson Beatrice A. Law to approve one day of paid time off for all Little  
27 Traverse Bay Bands Governmental employees December 26, 2003, except when  
28 authorized by the Tribal Administrator a different day off may be taken for  
29 employees who have to work on December 26, 2003.

30 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

31 Motion Carried

32  
33 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary  
34 Dexter McNamara to accept the Tribal Chairman's verbal and written report for  
35 November 23, 2003.

36 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

37 Motion Carried

38  
39 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary  
40 Dexter McNamara to require advertising the date, time and place of all  
41 Commission, Committee and Board meetings on the Tribal web site for the five  
42 days preceding each meeting additionally any meeting not posted on the Tribal  
43 web site for five days shall be considered an illegal meeting, this policy shall  
44 become affective January 1, 2004.

45 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

46 Motion Carried

1 Motion made by Secretary Dexter McNamara and supported by Councilor Fred  
2 Harrington, Jr., in accordance of the Constitution and by-laws adopted by the  
3 Little Traverse Bay Bands of Odawa Indians of chapter 1-113 Duties of Officers,  
4 section D that all copies of all minutes, resolutions and ordinances adopted by  
5 the Tribal Council from July 27, 2003 and continuance, promptly be submitted to  
6 the appropriate office of the Bureau of Indian Affairs with the respectable time  
7 frame being no longer than 3 weeks from the original meeting dates.

8 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

9 Motion Carried

10  
11 4:00 p.m. Public Comment opened

12 4:00 p.m. Public Comment closed

13  
14 Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary  
15 Dexter McNamara to accept the Legal Department report submitted by Jim  
16 Bransky, for November 23, 2003.

17 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

18 Motion Carried

19  
20 Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor  
21 Fred Harrington, Jr., to adopt resolution #112303-02 Limited Waiver of Sovereign  
22 Immunity.

23 Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A.  
24 Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes,  
25 Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor  
26 Regina Bentley-yes

27 Motion Carried

28  
29 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice  
30 Yellowbank to direct the Legal Department to review the Casino Career  
31 Development Policy for compliance with Indian Preference.

32 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

33 Motion Carried

34  
35 Motion made by Councilor Regina Bentley and supported by Treasurer Alice  
36 Yellowbank to direct the Legal Department to determine if applicable law  
37 prevents Tribal Members with degrees from using the A.V.T. program.

38 Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 1 Abstained  
39 (Councilor Fred Harrington, Jr.)

40 Motion Carried

41  
42 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
43 Chairperson Beatrice A. Law to direct the Legal Department to determine if  
44 applicable law prevents Tribal Members who are married from both obtaining  
45 assistance for purchasing a home.

46 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

47 Motion Carried

1 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-  
2 Chairperson Beatrice A. Law to direct the Legal Department to apply for the  
3 proposed trademark protection of Tribal name and logo from the U.S. Patent and  
4 Trademark office with additional fees of \$2,010 to come from the Legal  
5 Department budget.

6 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

7 Motion Carried

9 Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor  
10 Fred Harrington, Jr., to accept the Gaming Administration's verbal and written  
11 report for November 23, 2003 as presented by Sherry Patton.

12 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

13 Motion Carried

15 4:47 p.m. Councilor Rita Shananaquet leaves

17 Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor  
18 Regina Bentley for the application for renewal for the liquor license as required  
19 by Waganakasing Odawak Statute 1999008 for the locations of Victories Casino  
20 at 1967 U.S. 131 S., Petoskey, MI 49770 and Victories Hotel at 1444 U.S. 131 S.  
21 Petoskey Michigan 49770, and authorize the Tribal Chairman to sign.

22 Vote: 4 Yes, 2 No (Treasurer Alice Yellowbank, Councilor Fred Harrington, Jr.), 1  
23 Absent (Councilor Rita Shananaquet), 0 Abstained

24 Motion Carried

26 4:56 p.m. Councilor Rita Shananaquet returns

28 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice  
29 Yellowbank to repeal the motion of March 2, 2003 to direct the Gaming  
30 Regulatory to cease writing violations for actions not covered in the Minimal  
31 Control Standards and to separate the activities of the Compliance and  
32 Surveillance Departments and use Surveillance for loss control exclusively and  
33 further that the Surveillance Department while they shall reply to all Compliance  
34 Department requests for tapes and other information shall not comply with  
35 requests that interfere with loss control as their primary function. Additionally,  
36 Management Controls and MICS violations shall be separate functions and shall  
37 be reported separately.

38 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

39 Motion Carried

41 5:11 p.m. recessed called

42 5:19 p.m. meeting reconvened

44 Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor  
45 Regina Bentley that we accept the bid from the Kane Group, Inc., of Grand  
46 Haven, Michigan in the review process of Victories II in the amount not to exceed  
47 \$10,000 with money to come from the General Fund and authorize the Tribal  
48 Chairman to sign.

1 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained  
2 Motion Carried

3  
4 Motion made by Councilor Rita Shananaquet and supported by Councilor Fred  
5 Harrington, Jr., to approve the Small Grant request for the Snowsnake Workshop  
6 and Games in the amount of \$5,470 to come from the Cultural line item.

7 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
8 Motion Carried

9  
10 Motion made by Councilor Fred Harrington, Jr., and supported by Councilor  
11 Regina Bentley to accept the resignation from Terri Jimmicum from the Little  
12 Traverse Bay Bands Housing Commission, and declare the position vacant.

13 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
14 Motion Carried

15  
16 5:42 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by  
17 Councilor Rita Shananaquet to go into closed session for land # 7.

18 Vote: 5 Yes, 2 No (Councilor Regina Bentley, Councilor Fred Harrington, Jr.), 0  
19 Absent, 0 Abstained  
20 Motion Carried

21  
22 5: 44 p.m. Motion made by Councilor Rita Shananaquet and supported by  
23 Councilor Fred Harrington, Jr., to return to open session.

24 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
25 Motion Carried

26  
27 Motion made by Councilor Rita Shananaquet and supported by Councilor Fred  
28 Harrington, Jr., to have Tribal Council review the job description and any  
29 appointments as a designated official by Tribal Council for the Tribal Planner.

30 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
31 Motion Carried

32  
33 5:50 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by  
34 Councilor Regina Bentley to adjourn.

35 Motion Carried

36  
37 These Minutes have been read and approved as written:

38 Approved:

39  
40  
41  
42  
43  
44 \_\_\_\_\_  
45 Dexter McNamara, Tribal Secretary

46 \_\_\_\_\_  
47 Date  
48